

MARVIN LOTT,)
)
Plaintiff,)
)
vs.) Case No. 4:04CV989 RWS
)
DON ROPER, et al.,)
)
Defendants.)

On **May 24, 2005**, this Court ordered plaintiff to show cause why the complaint against defendant **Unknown Wiggins and Timothy Wilford** should not be dismissed without prejudice for failure to serve process within 120 days. Plaintiff responded that he has not served these defendants because they are no longer employed by the Missouri Department of Corrections and he has no means of obtaining their addresses. It remains plaintiff's responsibility to provide the proper addresses for service of process upon these defendants, and his failure to do so will result in the dismissal of his complaint against them without prejudice.

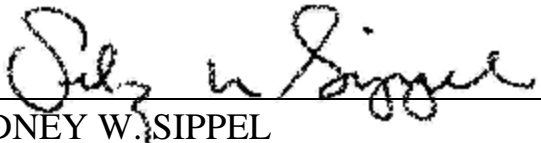
However, as these individuals are identified as witnesses, defendants will be required to comply with the provisions of the case management order issued this same date with respect to Wiggins and Wilford. Through this means, plaintiff may be able

to obtain the addresses for service of process for these individuals and, if appropriate, move to join them as defendants in this action.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff's complaint against defendant **Unknown Wiggins and Timothy Wilford** is **DISMISSED** without prejudice pursuant to Rule 4(m), Fed.R.Civ.P.

Dated this 23rd day of June, 2005.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE